

December 13, 2012

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Board member Shelton was not present. Others attending were Supt. Gray; Attorney Higgins; Asst. St. Comm. Miller; Chief Beloit; Chief Dixon; Rich DeMarco – Johnson Controls, Inc.; Betty Hickey; Lorelei Barnes; John Stephans; Jack Osborne; Nancy Sexton; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Curtis moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

**Chairman Curtis** stated the deep well is all poured and it looks nice, a very solid structure. The coffer dam has been removed. The river is rising which is slowing things some – everything is looking good. He will now turn it over to Mr. DeMarco.

Mr. DeMarco presented the following update to the Board:

## **1. New Electrical building**

- Building is 100%
- Electrical building conduit installation is 100%
- Electrical building internal wiring of the VFD's, Main power switch board, MCC's, transformer, lighting panel etc. is at 100%
- Building main power feed installation is 95%.

## **2. Deep Well Status**

- The wall pours 100%
- Pumps ,valves 100%
- Vertical piping is at 90%
- Underground horizontal piping to lamella building starts next week
- Electrical work to start next week

## **3. Cofferd Dam Status**

- Sheet piling removal is at 100%
- Compacted back fill is 50%

#### **4. River work**

- Two 18-inch piping runs -360Ft and 280 Ft. 100%
- Two inlet screens 100%
- Pipe 18-inch hold downs 50%
- Six inch 4- pipes chemical feed and backwash install TBD

#### **5. Lamella Building**

- Old building demolition 95%
- New building structural steel in galvanize dip and paint
- Building delivery and installation starting next week

#### **6. Controls and Software Programming**

- Programmable Logic Controller software update 30%

#### **7. Critical dates.**

----Final tie-in Jan.14

---- Demobilize Jan 16-21

Supt. Gray stated again, the river work is on hold due to the fast current buy hopefully by December 20 things should be back to normal. He then stated last week he and Mr. Hanson went to a training class for their CEU's and they used they city credit card. He had neglected to bring it up at the last meeting, but he did contact three Board members for permission.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?

Attorney Higgins replied she had none.

Mayor Tucker stated there are several Audience members on the Agenda this evening, the first being Betty Hickey.

Ms. Hickey approached and stated she lives at 449 Givens Road and she would like to request a water adjustment. She stated she had a leak in the commode and it was fixed. She then had a second leak and it was also fixed. She added she had another one and then had Sanders out to fix the problem and it is completely fixed now. She added her bill was over \$532.00.

Supt. Gray added she does have a normal bill now.

Board member Curtis moved the adjustment be allowed. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Lorelei Barnes approached and stated she has three properties that have been vacant for 12 months or more and she has had a leak at all three. She then stated come to find out, they weren't leaks at all according to the water department and the plumbers. She added she and her husband also, some time ago, removed all outdoor spigots. She stated all the toilets were fixed and the towers and flappers all replaced. There is still a leak. These properties are vacant. She will need a second adjustment. Again, two plumbers found that there were no leaks and the water department also found no leaks.

Supt. Givens stated he needs to research this as this was not the story he was originally told.

Ms. Barnes stated the address is 505 Grant and it now has tenants – again, no leaks were ever found.

Supt. Gray asked if she is saying that these were empty houses but the meters were left in the pits ? He stated normally they are pulled.

Ms. Barnes replied yes.

Board member Curtis stated in the past, if someone has proven the correction, the adjustment has been allowed, but in this case no problem was found.

Ms. Barnes agreed but added she has changed the entire working of the toilets not once, but twice in five months. No one can give an explanation.

Board member Curtis added it doesn't sound like a leak.

Supt. Gray again stated he got a different story at the office and he needs to investigate this further.

Board member Curtis advised Ms. Barnes not to contact a plumber again and let Supt. Gray check into this.

Supt. Gray stated he can pull all data on this meter from the computer.

Board member Curtis suggested that Supt. Gray do just that and get back with Ms. Barnes.

Supt. Gray stated he will have an answer for her tomorrow.

Ms. Barnes thanked the Board and added she is at a loss.

John Stephans approached the podium and stated he is also requesting a water adjustment for the property located at 1335 W. 4<sup>th</sup> Street. He explained that it seems there has been a leak here for quite some time, but he was unaware. He had never paid attention to the bills before, but recently he has taken over paying them on the building that used to house his John Deere dealership – there is now a detail shop there. The bills have been running between \$200 and \$300 and now they are up over \$600.00. He stated he has found a leak and it has been fixed. The bills are now running between \$120 and \$130. It is fixed and he would ask for some help on the adjustment.

Board member Curtis stated they have had long term leaks before.

Attorney Higgins stated there are provisions in the ordinance stating how far back they can go.

Board member Curtis stated he believes it is only four months.

Mr. Stephans stated he totally understands that as he is a member of the German Township Water Board.

Attorney Higgins stated the ordinance only allows for three months.

Board member Curtis moved the adjustment be allowed, according to the guidelines in the city's ordinance. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Ms. Hickey left the meeting.

Jack Osborne stated he had a water leak at 918 W 4<sup>th</sup> Street around the end of October and Supt. Gray gave him an adjustment at the office. He then had another leak and ended up replacing the entire line from the meter to the house. It was a bad leak, but it is fixed. He would ask for a second adjustment. Supt. Gray stated he can send someone out to verify that the meter is reading correctly since no bill has gone out yet to show that the usage is back to normal.

Board member Fuelling agreed.

Board member Curtis stated he feels they should hold off for one more billing cycle and they can make the adjustment at the next meeting.

Mr. Osborne thanked the Board and left the meeting.

John Stephan left the meeting.

Mayor Tucker asked if anyone else in the Audience wished to address the Board ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

There was none.

Mayor Tucker asked if there was any New Business ?

Board member Curtis stated they have found that there is a better way of operating – using variable speed pumps. He added he would like the Board to approve a Change Order in the amount of \$50,000 to have these pumps installed while they still have guys on site to do the work. He stated there is money in the O & M fund to pay for this. He then asked if there were any questions ?

Board member Hoehn questioned exactly what these pumps were for.

Mr. DeMarco stated this would enable them to control three pumps independent of each other.

Board member Hoehn stated that currently they are configured to run wide open, correct?

Mr. DeMarco replied yes and added this can change the speed as well. He added filters are also included and there is ample room in the electrical building for them.

Board member Hoehn asked if this would change the completion date ?

Mr. DeMarco replied no, this work could be done later on.

Board member Curtis moved the Change Order be granted and a maximum of \$50,000, for the variable frequency pumps. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Board member Curtis moved the meeting be adjourned. Seconded by Board member Higgins. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Fuelling, Hoehn, Curtis, and Higgins attending. Councilwoman Shelton was not present. Others attending were Supt. Gray; Attorney Higgins; Asst. St. Comm. Miller; Chief Beloat; Chief Dixon; Rich DeMarco – Johnson Controls, Inc.; Nancy Sexton; Pam Robinson – Posey County News; and Sara Manifold – Mount Vernon Democrat.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilwoman Higgins moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

**Street & Light Chairman Fuelling** stated he has no report.

Asst. St. Comm. Miller stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Police & Dog Chairwoman Shelton** was not present.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Fire Chairwoman Higgins** stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

**Sewer Chairman Hoehn** stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report before them and any questions should be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the final reading of the Ordinance Establishing Salaries for the Elected Officials of the City of Mount Vernon for the Year Ending December 31, 2013.

Board member Hoehn moved the ordinance pass on final reading. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Attorney Higgins stated the next item is an ordinance restating the Fair Housing Ordinance – they need to make sure that the entire ordinance is up to date, including the language. She added what has changed is the definition of family in Section H:

*Family includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined in subsection (c) of this Section. Also, pursuant to 24 CFR Part 5, the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.*

Attorney Higgins stated it mainly deals with the definition sections of the ordinance but the enforcement is still the same. She continued by stating they need to update the city ordinance to the federal guidelines to still be eligible for grants.

Councilman Hoehn questioned "regardless of marital status" ? Any three people living together is a family ?

Attorney Higgins replied yes, meaning there could be a single parent situation – not a "traditional" family situation.

Councilman Hoehn stated in other words, any three people living together can be considered a family.

Attorney Higgins replied yes.

Councilman Hoehn asked why they are reiterating federal law ?

Attorney Higgins replied because the city ordinance has limits in it and right now that is in violation of federal law.

Councilman Curtis added the city ordinance contradicts federal law.

Councilman Hoehn replied that would make it invalid.

Councilman Curtis stated if they do not update their ordinance, they will not get any more federal money.

Councilman Hoehn asked why don't they just say that they will comply with all federal laws ? Why is the city restating federal law.

Attorney Higgins stated that is what this ordinance does.

Councilman Hoehn asked why not blanket that ?

Councilman Curtis stated they are trying to comply with all federal laws, it's just the wording needs changed in the city ordinance to comply.

Attorney Higgins added it also helps the public.

Councilman Hoehn stated he doesn't disagree.

Attorney Higgins stated that is the only part that they city is not compliance with.

Board member Fuelling stated they are in compliance with all except sections 93.01 – 93.04 and 93.07.

Councilman Curtis added they are trying to keep everything consistent.

Councilman Hoehn stated he isn't sure the citizens of Mt. Vernon agree with that definition of family – any three people living together.

Attorney Higgins replied there still has to be an adult and a minor in the home – they just don't have to be blood related as in the case of a guardianship for instance.

Councilman Curtis moved the Ordinance Updating, Restating, and Recodifying Title IX – General Regulations, Chapter 93 – Fair Housing Practices, Sections 93.01 through 93.04 and 93.07 pass on first reading, bringing the city into compliance and keeping the city eligible for federal funds and in compliance with federal regulations. Seconded

By Councilwoman Higgins.

Mayor Tucker asked if there was any further discussion ?

Councilman Curtis stated he understands that people may not agree, that is their right.

Mayor Tucker asked if there was any other discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – absent; Fuelling – yes; Hoehn – no;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker stated they are ready for Old Business.

Councilman Hoehn questioned the water garden.

Councilman Fuelling stated they had a meeting and things are “going”.

Mayor Tucker added they met Wednesday and the line from the water garden to the new manhole cover basically takes a “trip around the world” which is why isn't working properly. It will be disconnected and a new line with a new, more precise route will be installed to the storm sewer.

Councilman Fuelling added that will be a tremendous help.

Councilman Hoehn asked if this line will get water.

Councilman Fuelling replied only after so much rain has come off the water gardens.

Councilman Hoehn asked who did the work ?



Attorney Higgins replied Bernardin Lochmueller drew up the plans and Blankenberger did the work. Councilman Hoehn asked if Mr. Russell is aware.

Mayor Tucker replied, yes he is aware of what is going on.

Councilman Fuelling added there was a blockage as well that has also been take care of, hopefully it will make a big difference.

Mayor Tucker stated there is also an update on the bridge east of town.

Councilman Curtis stated the contract has been signed.

Councilman Hoehn stated he had heard something about a different completion date.

Councilman Curtis agreed and added it is set for February 15, 2013.

Councilman Fuelling added that is plenty of time, it shouldn't take long at all.

Councilman Hoehn questioned the timing of the construction ? Will it shut down businesses east of the bridge ?

Councilman Fuelling stated that would be a Supt. Givens question.

Councilman Hoehn stated then he will get with Supt. Givens.

Councilman Curtis stated in reference to Sitco, he has spoken with them and the equipment is still on the tower and there will be no problem providing the free internet service, if there is a line on site. He indicated they are willing to provide free internet access to the riverfront.

Councilman Hoehn asked about a receiver at the riverfront.

Councilman Curtis replied there is one there and Sitco will take care of the cost of the equipment.

Attorney Higgins added the city has two available through those contracts.

Mayor Tucker asked if there was any New Business ?

Councilman Fuelling stated they had the walk through of Phase 2 at the riverfront today. INDOT was present and they seemed very pleased. He added they are now waiting on signage.

Mayor Tucker stated they will now hear the reports of the Districts.

**1<sup>st</sup> District Councilwoman Shelton** was not present.

**2<sup>nd</sup> District Councilman Fuelling** stated he has no report.

**3rd District Councilman Hoehn** stated he has no report.

**4<sup>th</sup> District Councilman Curtis** stated he has no report.

**Councilwoman-at-Large Higgins** stated she would like to thank the City departments for all of their hard work on Christmas on Main Street. Everyone did a great job and also the Park & Recreation did a great job as well. Thanks to everyone.

Mayor Tucker added he would like to thank Councilwoman Higgins and Larry Williams for all of their hard work as well, they did a great job.

Mayor Tucker stated, as Councilman Fuelling stated earlier, they did have the walk through today on the riverfront and next Thursday, December 20 at 2:00 pm there will be a ribbon cutting on Phase II, with entertainment to be provided by St. Matthews school. He concluded by stating there will also be a ground breaking on the Landing immediately following the Phase II walk through.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Councilman Hoehn moved the meeting be adjourned. Seconded by Councilman Curtis. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

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John Tucker  
Mayor

ATTEST:

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Cristi L. Sitzman  
Clerk-Treasurer